

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

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SHAROD CULP,	:	
	:	Civil No. 16-3791 (KM)
Petitioner,	:	
	:	
v.	:	MEMORANDUM AND ORDER
	:	
UNITED STATES OF AMERICA,	:	
	:	
Respondent.	:	
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Petitioner, Sharod Culp, filed, by counsel, a motion to vacate, set aside, or correct his sentence, under 28 U.S.C. § 2255, based on the Supreme Court’s decision in *Johnson v. United States*, 135 S. Ct. 2551 (2015). On June 23, 2016, then-Chief Judge Jerome B. Simandle entered Standing Order 16-2 at the request of both the United States Attorney and the Federal Public Defender for this District. Under that standing order, all § 2255 motions filed in this district raising claims under *Johnson* were stayed for up to 150 days during which the parties could confer and determine whether the petitioner’s challenge had merit. Under the order, this stay would be lifted only upon a successful motion by one of the parties or the expiration of the 150-day period.

Following the conclusion of the standing-order stay period, this Court entered an order directing the government to respond to Mr. Culp’s § 2255 motion within 45 days and permitting Mr. Culp 45 days to file a reply to the answer. Instead, the government filed a motion to stay the proceeding pending decision by the Supreme Court in *Sessions v. Dimaya*, 138 S. Ct. 1204 (2018). I granted that motion and stayed this action on July 6, 2017. (DE 5.) In the letter motion to stay this case pending *Dimaya*, which I so-ordered, the government stated, “After the Supreme Court issues its opinion in *Dimaya*, the parties will inform the Court what impact that decision

has on Mr. Culp's motion." (DE 4, 5.) The Supreme Court decided *Dimaya* in April 2018, but, despite the government's representations, the Court has received no further communication from the parties in this case.

Accordingly, IT IS this 7th day of February, 2019


ORDERED that the Clerk of the Court shall reopen this proceeding; and it is further

ORDERED that respondent shall file a full and complete answer to the § 2255 motion within forty-five (45) days of the entry of this order; and it is further

ORDERED that respondent shall raise by way of its answer any appropriate defenses that it wishes the Court to consider, including, with respect to the asserted defenses, relevant legal arguments with citations to appropriate legal authority; and it is further

ORDERED that the answer shall be accompanied by certified copies of all notices, opinions, documents, transcripts, or recordings of any proceedings, including all documentation that may be material to the questions raised in the Motion; in lieu of providing certified copies, however, respondent may cite to the criminal docket by referencing the ECF docket entry number and the page; and it is further

ORDERED that petitioner may file and serve a reply in support of the motion within forty-five (45) days after the Answer is filed.



KEVIN MCNULTY
United States District Judge